

# NEW JERSEY MILITIA

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News Bulletin and Plea for Reason

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For immediate release to prosecutors and lawmen

Stop the killing!!! End the police state!!!

A trumped up firearms offense was the pretext that the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms used to perpetrate the largest non-military mass murder in our history: the killing of more than eighty men, women and children at the Mount Carmel church in Waco, Texas. We don't need a repeat in New Jersey!

A trumped up firearms offense was the pretext that the FBI and U.S. Marshal Service used to trespass on private property and kill a fourteen year old boy and his mother at Ruby Ridge, Idaho. We don't need a repeat in New Jersey!

And trumped up firearms offenses are what the late Union County prosecutor wished to use against New Jerseyans who are as peaceable as were the victims of Federal police at Waco and Ruby Ridge. Twelve days before his death from cancer the prosecutor actually called for "aggressive enforcement" of the assault rifle ban (Newark Star-Ledger, Sept. 9, 1995). We wonder whether the rank and file peace officer and sheriff's deputy will heed the call from the grave, or his or her sworn oath to uphold and defend the Constitution.

Since the gun ban went into effect in 1990 not one otherwise "law" abiding citizen has used an assault rifle to commit a crime in New Jersey (Star Ledger, Oct. 5, 1995) (And if so the perpetrator alone should be punished, not an entire class of people!) Thus it is evident that assault rifles in private hands pose absolutely no threat to public safety. In the same period, however, Federal police armed with assault rifles have wantonly killed dozens of peaceable Americans. Think about it. Who poses the greater danger, the people or the government? In the judgement of the wisest statesmen in history (our founding fathers), the government! That is the reason for our right to keep and bear arms, to have the means to defend ourselves should government become tyrannical. Yet under color of law the prosecutor would deprive us of those means.

Color of law is the appearance or semblance, without the substance, of legal right. It is the misuse of power that is possible only because the wrongdoer is clothed with the authority of the state. Color of law played a role at Waco where a machine gun was said to be. (The Bureau of Alcohol, Tobacco and Firearms lied; they apparently killed eighty people in order to collect a \$200 tax on a non-existent gun.) Color of law also played a role at Ruby Ridge in the matter of two sawed off shotguns. Machine guns were banned by Congress in 1934; sawed off shotguns were in effect banned by the Supreme Court in 1939, because the court was unaware that shotguns were a trench gun used by U.S. soldiers in World War I and are therefore a militia arm that cannot lawfully be banned. It took sixty years but those two festering, colorable acts led to the demise of Americans who would be alive today had Congress and the Supreme Court upheld the law: "the right of the people to keep and bear Arms shall not be infringed." (U.S. Constitution, Amendment II)

And now the Union County prosecutor, and apparently the entire New Jersey political, legal and law enforcement establishment, wishes to follow in the footsteps of the FBI, Marshal Service and BATF and seize the people's guns -- under color of law. In what was evidently his last press conference the prosecutor complained that "rifles with detachable magazines that carry more than fifteen rounds and shotguns that can have a capacity exceeding six rounds have no real value for hunting or sport, and are really only collectors items." Besides being untrue he misses the point: those weapons are militia weapons; they have nothing to do with hunting or sport. Besides federal police

have used them against the people; the people may need them someday to defend themselves against the government.

The prosecutor's death brought tributes from former Governor Florio ("one of the best appointments I ever made"), attorney general ("he set a standard we can only strive to follow") and a superior court judge ("a lawyer's lawyer"). (Star Ledger, Sept 26) How many admirers besides Florio would like to pay him a final tribute by kicking in doors and killing gun owners? After all he did call for "aggressive enforcement."

The prosecutor's dying wish is utterly unlawful; we can only assume that it was caused by his illness. He surely must have known that the assault rifle ban violates the Bill of Rights (Amendment II, right to keep and bear arms); the United States Constitution, Art. 1, Sec. 9, Clause 3 (No ex post facto law shall be passed); Art. 1, Sec. 10, Cl. 1 (No state shall pass any ex post facto law); the New Jersey Constitution, Art. 1, Sec. 1 (All persons have certain natural rights among which are those of defending life and liberty); Art. IV, Sec. VII, para. 3 (The Legislature shall not pass any ex post facto law.) Furthermore the ban violates the Fourteenth amendment of the U.S. Constitution which in effect incorporates the entire Bill of Rights into the State constitution. Thus New Jerseyans are guaranteed the right to keep and bear arms via the 14<sup>th</sup> amendment. In short the ban has the appearance or semblance, without the substance, of legal right; it is a mere fiction perpetrated under color of law.

Henry de Bracton put it this way (we have substituted the word Prosecutor for King): "The Prosecutor ought to be subject to God and the law, since law makes the Prosecutor. Therefore let the Prosecutor render to the law what the law has rendered to the Prosecutor, vis, dominion and power, for there is not Prosecutor where his arbitrary will rules and not the law."

The New Jersey Militia expects all prosecutors and law enforcement officers to uphold the law!